



EU Posted Worker Directive

A new EU Posted Worker Directive came into effect on **30th July 2020**. All EU countries had until that date to transpose this directive in their national law. Here is a brief overview of the Posted Workers Notification in Germany.

Important points to remember :

1. Posted worker notification
2. Exceptions from the obligation to notify
3. Minimum wage
4. Temporary employment and transfer of workers

1

Posted worker notification

Foreign-domiciled employers posting workers to Germany to carry out work or to provide a service must comply with a number of rules for giving notification of their posted workers. The same applies to businesses (users) that employ one or more temporary workers, provided by an agency (supplier) domiciled outside Germany, to perform work in Germany.

Employers should submit the notifications of their employees posted to Germany online with the help of the minimum wage registration portal. The same applies to businesses that use workers leased from an agency domiciled outside Germany. The notification portal can be accessed at www.meldeportal-mindestlohn.de. Sending notifications by fax is no longer possible.

Notification of changes has to be submitted if any changes are made to the information in a previously submitted notification or operational schedule.

2

Exceptions from the obligation to notify

Notifications pursuant to the Minimum Wage Act are not required with regard to employees whose sustained pay exceeds a gross 2,958 euros a month, or whose sustained regular monthly pay exceeds a gross 2,000 euros provided that the employer can submit evidence of such payment for the past full twelve months (disregarding any times without entitlement to pay), as laid down in Section 1 of the Ordinance on Minimum Wage Documentation Obligations (Mindestlohndokumentationspflichten-Verordnung - MiLoDokV).

This exemption does not apply in the case of notifications pursuant to the Posted Workers Act (Arbeitnehmer-Entsendegesetz - AEntG), or the Act on the Provision of Temporary Workers (Arbeitnehmerüberlassungsgesetz - AÜG)..

3

Minimum wage

As a matter of principle, every employee is entitled to be paid by their employer not less than the statutory minimum wage pursuant to the Minimum Wage Act, unless the Posted Workers Act and/or the Act on the Provision of Temporary Workers prevail over the former.

4

Temporary employment and transfer of workers

Temporary worker assignment is also known as temporary work, staff leasing or temporary agency work. **Special rules apply to the suppliers and users of the temporary workers' services, and to temporary workers themselves.**

The legal framework is laid down in the Act on the Provision of Temporary Workers, which is particularly concerned with the protection of workers.

Employers must have a licence only if they supply workers as part of their business activities, irrespective of whether supplying workers is the main, or a secondary, purpose of their business.

Source: https://www.zoll.de/EN/Home/home_node.html

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